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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,866	06/23/2003	Anand G. Dabak	TI-28441A	7204
23494	7590	06/13/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265				CORRIELUS, JEAN B
ART UNIT		PAPER NUMBER		
2637				

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/601,866	DABAK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jean B. Corrielus	2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/23/03&9/29/03.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/03&amp;4/26/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                 |
|  | 6) <input checked="" type="checkbox"/> Other: <u>List of pending claims, as renumbered.</u> |

## **DETAILED ACTION**

### *Priority*

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

### **Examiner's comment**

2. The communication, filed on 9/29/03, stated that claims 23-33 were added in the preliminary amendment, filed on June 23, 2003. however, a review of such preliminary amendment only indicates that claims 23-25 were added (see page 5 of such communication). Consequently, claims 34-53, filed on 9/29/03 have been renumbered from 26-45, respectively and their dependency have been changed accordingly. Hence claims 26-45 are pending. Applicant is required to file a new set of claims to confirm the renumbering of the claims.

### *Double Patenting*

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3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 26-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-13 of U.S. Patent No. 6,643,338. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 26 is substantially encompassed by claim 6 except for some minor modifications such as claim 26, line 1, recites an apparatus while claim 6, line 1, recites a circuit and so on. It would have been obvious to one skill in the art to claim the invention as shown in the pending application as a variation of claims for esthetic reasons.

Claim 27 is substantially encompassed by claim 7 the same analysis applies.

Claim 28 is substantially encompassed by claim 8 the same analysis applies.

Claim 29 is substantially encompassed by claim 9 the same analysis applies.

Claim 30 is substantially encompassed by claim 10 the same analysis applies.

Claim 31 is substantially encompassed by claim 11 the same analysis applies.

Claim 32 is substantially encompassed by claim 12 the same analysis applies.

Claim 33 is substantially encompassed by claim 6 the same analysis applies.

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As per claim 34 it would have been obvious that the first and second antennas would have been transmitting antennas in order to transmit signals to the remote station.

As per claim 35, it would have been obvious to one skill in the art to couple the correction circuit to an antenna in order to receive the signals transmitted by the transmitter circuit.

Claim 36 is substantially encompassed by claim 6, as claim 6 is an apparatus claim and claim 36 is the equivalent method claim. It would have been obvious to one skill in the art to claim the invention so as to present an alternate way to claim the invention.

Claim 37 is substantially encompassed by claim 7 the same analysis applies.

Claim 38 is substantially encompassed by claim 8 the same analysis applies.

Claim 39 is substantially encompassed by claim 9 the same analysis applies.

Claim 40 is substantially encompassed by claim 10 the same analysis applies.

Claim 41 is substantially encompassed by claim 11 the same analysis applies.

Claim 42 is substantially encompassed by claim 12 the same analysis applies.

Claim 43 is substantially encompassed by claim 6 the same analysis applies.

Claim 44 is substantially encompassed by claim 6 the same analysis applies.

Claim 45 is substantially encompassed by claim 13 the same analysis applies.

4. Claims 26-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 34-65 of copending Application No. 10/659,906. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 26 is substantially encompassed by claim 34 except for some minor modifications. Claim 26 is likewise encompassed by claim 50.

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Claim 27 is substantially encompassed by claims 35 and claim 51.

Claim 28 is substantially encompassed by claim 36 and claim 52

Claim 29 is substantially encompassed by claim 37 and claim 53

Claim 30 is substantially encompassed by claim 38 and claim 54

Claim 31 is substantially encompassed by claim 39 and claim 55

Claim 32 is substantially encompassed by claim 40 and claim 56

Claim 33 is substantially encompassed by claim 41 and claim 57

As per claim 35, it would have been obvious to one skill in the art to couple the correction circuit to an antenna in order to receive the signals transmitted by the transmitter circuit.

Claim 36 is substantially encompassed by claim 6, as claim 6 is an apparatus claim and claim 36 is the equivalent method claim. It would have been obvious to one skill in the art to claim the invention so as to present an alternate way to claim the invention.

Claim 36 is substantially encompassed by claim 42 and claim 58

Claim 37 is substantially encompassed by claim 43 and claim 59

Claim 38 is substantially encompassed by claim 44 and claim 60

Claim 39 is substantially encompassed by claim 45 and claim 61

Claim 40 is substantially encompassed by claim 46 and claim 62

Claim 41 is substantially encompassed by claim 47 and claim 63

Claim 42 is substantially encompassed by claim 48 and claim 64

Claim 43 is substantially encompassed by claim 34

Claim 44 is substantially encompassed by claim 34

Claim 45 is substantially encompassed by claim 53 and claim 65

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It would have been obvious to one skill in the art to claim the invention as shown in the pending application as a variation of claims for esthetic reasons.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean B Corrielus  
Primary Examiner  
Art Unit 2637  
*6-10-05*